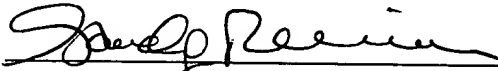


I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail No. EV670649916US, in an envelope addressed to: MS Appeal Brief - Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: October 11, 2005

Signature:


Sandy Reisman

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: STEVE BECK *ET AL.*

APPLICATION No.: 09/721,441

FILED: NOVEMBER 22, 2000

FOR: **DYNAMICALLY TARGETING ONLINE
ADVERTISING MESSAGES TO USERS**

EXAMINER: J. D. CARLSON

ART UNIT: 3622

CONF. No: 2327

Reply Brief

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPELLANTS' REPLY BRIEF UNDER 37 C.F.R. § 41.41

Sir:

This reply brief is in response to the Examiner's Answer dated August 11, 2005.

I. REPLY TO ANSWER

A. Reply to Examiner's answer concerning claim 15 and 30

On page 10 of the Examiner's Answer, the Examiner states the following:

Applicant argues that none teach a first satisfied condition. The conditions are applied sequentially and any TRUE condition would trigger a random subgroup ad; this would occur for the first TRUE condition.

Appellants respectfully disagree. Claim 15 recites "a treatment subgroup" that indicates "which of a plurality of advertising treatments will be applied when the condition is the first condition in the sequence of conditions to be satisfied." Similarly, claim 30 recites

"applying to the user the condition sequence that was randomly selected for the user to identify the first condition of the sequence that is satisfied by profile information for the user" and "presenting the user the advertising message associated with the identified condition that was randomly selected for the user." In contrast to the Examiner's conclusion that "the conditions are applied sequentially and any TRUE condition would trigger a random subgroup ad," Appellants facilitate targeted advertising by applying a sequence of conditions in order to identify a first condition in the sequence of conditions that is satisfied, and presenting the advertising message associated with the first condition (i.e., the condition in the sequence of conditions that was first satisfied). Stated another way, identifying the first condition that is satisfied in a condition sequence, as recited, is different than identifying just any condition that is satisfied.

Moreover, the Examiner's aforementioned conclusion appears to be based on Langheinrich et al.'s (U.S. Patent No. 6,654,725) discussion at col. 1, lines 33-46 and col. 2, lines 26-30, which recites:

As an extension to this basic mechanism, many systems in use today (such as AdForce by AdForce Inc. or AdKnowledge by AdKnowledge Inc.) allow advertisers to specify targeting constraints that limit the display of an advertisement banner to certain conditions, such as the type of browser software used or the time of day. Such a system first filters out all non-applicable advertisements given the condition of the current request for a banner. The remaining advertisements will then be selected randomly. Typical features include: type and version of browser software, operating system (OS), site originating the request, country, time of day, day of week. Several systems increasingly attempt to link such connection specific information to user specific data such as age, gender, income, place of residence, etc. (col. 1, lines 33-46.)

Filtering techniques allow for a very precise targeting, but leave the task of selecting whom to target what advertisement to largely to the advertiser. This requires extended efforts on the advertiser side, who has to rely on countless statistics and demographic studies. (col. 2, lines 26-30.)

First, Langheinrich only provides specific examples of conditions that may be applied in order to provide custom advertising. Langheinrich does not contain any disclosure of applying a sequence of conditions in order to identify a first condition in the sequence of conditions that is satisfied, and presenting the advertising message associated with the first condition.

Second, notwithstanding the fact that the Examiner's conclusion is inconsistent with the Appellants' aforementioned recited claim elements, it is unclear to Appellants why the Examiner has concluded that "the conditions are applied sequentially and any TRUE condition would trigger a random subgroup ad." In contrast to the Examiner's conclusion, the cited portion of Langheinrich clearly states that "a system first filters out all non-applicable advertisements given the condition of the current request for a banner." Thus, one can reasonably conclude that the "applicable" advertisements are the advertisements that satisfy the condition of the current request. It follows that, if there are multiple conditions, then all of the conditions need to be satisfied for an advertisement to be "applicable." This is in contrast to the Examiner's conclusion that any TRUE condition (i.e., any satisfied condition) would trigger a random subgroup ad (i.e., an applicable advertisement). Appellants submit that the Examiner has failed to identify how the cited portions of Langheinrich identically disclose a sequence of conditions that is tested in order to identify a first condition in the sequence of conditions that is satisfied, and presenting the advertising message associated with the first condition, and the Examiner has failed to make clear how the other references might cure these shortcomings of Langheinrich.

For at least these reasons, along with the reasons presented in Appellants' Appeal Brief, each of claims 15 and 30-34 has been improperly rejected. Accordingly, Appellants seek the reversal of the rejection of these claims.

Respectfully submitted,
Perkins Coie LLP



Steven D. Lawrenz
Registration No. 37,376

Customer No. 25096
PERKINS COIE LLP
1201 Third Avenue, Suite 4800
Seattle, Washington 98101-3009
(206) 359-8000
FAX: (206) 359-7198